



**City of Riverside, California
Personnel Policy and Procedure Manual**

Approved:

Human Resources Director

City Manager

Number: VI-6 Effective Date: 09/01

SUBJECT: LEAVE OF ABSENCE WITHOUT PAY (GENERAL)

PURPOSE:

To provide uniform guidelines for management, supervisory, and other employees in requesting and approving/disapproving leaves of absence without pay.

POLICY:

1. REQUESTING/GRANTING LEAVE

It is the policy of the City of Riverside to consider an employee's request for an unpaid leave of absence on an individual case-by-case basis. It is the responsibility of the employee to request the leave in writing through their immediate supervisor. The supervisor will forward the request to the Department Head for consideration. The request must sufficiently explain the purpose of the leave request so that the City can determine whether the absence can be granted.

Factors to be considered in the approval or denial of a request include, but are not limited to:

- a. The attending physician's medical appraisal concerning what restrictions, if any, apply to the employee's current employment and the employee's ability to return to work;
- b. The ability of the department to function without the employee;
- c. The employee's work history, including seniority, length of service, and quality of performance;
- d. The ability of the department to reasonably accommodate the employee's request by reassignment of duties or hiring of temporary or part-time employees; or
- e. Any other job-related factor or consideration that would substantially affect the City's ability to operate safely and efficiently.

The following is the level of approval required for the granting of unpaid leaves of absence:

- a. Department Head - May approve requests up to 30 calendar days.

- b. City Manager - May approve requests beyond 30 calendar days up to 90 calendar days.
- c. City Council - May approve requests beyond 90 calendar days. Unpaid leave taken under the Family, Medical and/or Pregnancy Disability Leave policy shall be counted against the time allotted under this policy.

2. BENEFITS COVERAGE DURING LEAVE

During an approved leave, an employee will be retained on the City's health plan provided that the employee pays all premium costs. Failure of the employee to pay the health insurance premiums may result in loss of coverage. The City will cease to maintain the employee's health coverage if an employee's premium payment is more than thirty (30) days late. The City will notify the employee fifteen (15) days before coverage will cease.

An employee on unpaid leave will not continue to accrue sick leave and vacation leave. An employee's hire date and job entry date will be adjusted as a result of the leave. An employee on leave for two or more months will also be placed on a leave of absence with the Public Employee's Retirement System (PERS).

3. UNION DUES

The employee is responsible for maintaining dues to the employee association, if required

4. REINSTATEMENT

Employees returning from leave will be reinstated to the same or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, unless the position ceases to exist because of legitimate business reasons unrelated to the leave. An employee returning to work from leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period. The City cannot guarantee that an employee will be returned to their original assignment. A determination as to whether a position is an 'equivalent position' will be made by the City.

5. RETURN FROM LEAVE

An employee on leave is expected to return to work on the next work day following the approved leave period. If an employee wishes to return to work prior to the expiration of a leave, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's revised return date.

6. EXTENSION OF LEAVE

Employees may request an extension of their leave request in the same manner as the initial request. Leave requests may not exceed a combined total of one year under the various leave policies. Exceptions may be made on a case-by-case basis in compliance with Americans with Disabilities Act (ADA) guidelines.

7. FAILURE TO RETURN FROM LEAVE

The failure of an employee to return from work upon the expiration of a leave of absence will subject the employee to disciplinary action up to and including termination, unless an extension is granted. A "Notice of Intent to take Disciplinary Action" for job abandonment will be initiated by the Department Head and sent to the employee by regular and certified mail when the employee fails to return to work. The employee will have ten (10) days to respond in accordance with Personnel Policy, "Discipline", III-1.

PROCEDURE:

<u>Responsibility</u>	<u>Action</u>
Employee	<ol style="list-style-type: none"> 1. Informs the supervisor in writing as soon as it can be determined with reasonable certainty the duration of any intended request for a leave of absence. (No unpaid leaves of absence shall be processed without the receipt of a written request from the employee or, if incapacitated, by an authorized representative of the employee.) 2. Remits any insurance premiums due to the City for maintaining health care or other benefits; maintains dues to employee association, if required. 3. Maintains union dues, if applicable. 4. Returns to work on the next work day following the approved leave period. Provides supervisor with release to full duty from physician when the leave was taken for a medical reason. When returning prior to expiration of a leave, provides supervisor with at least five (5) work days notice prior to the return date.
Supervisor	<ol style="list-style-type: none"> 5. Acts on requests for leave of absence without pay in accordance with the factors listed under the policy guidelines. 6. Recommends to the department head whether or not to grant the leave of absence. 7. Prepares and sends to Human Resources a P-2 for an approved leave and attaches appropriate documents.

Department Head

8. Monitors, if applicable, leave of absence. Ensures that the employee's time card is coded appropriately.
9. Returns the employee to the same position, a substantially similar position, or documents why this is not possible and consults with the Human Resources Director, or designee.
10. Recommends, where appropriate and in conformance with this policy, a leave of absence beyond thirty (30) calendar days for approval/disapproval by the City Manager and/or City Council.
11. Initiates, when employee does not return from leave of absence and no additional leave is requested from employee, a "Notice of Intent to Take Disciplinary Action" for job abandonment; sends by regular and certified mail; and forwards a copy to Human Resources.